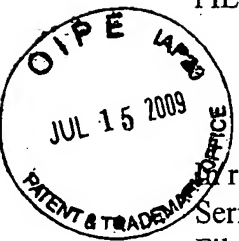


FILE NO.: KSKO-25,661

PATENT



IN THE UNITED STATES PATENT AND TRADEMARK OFFICE

Re application of: Kameswari S. Konduri, et al

Serial No.: 10/769,034

Filed: 01/30/04

TC: 1633

Examiner: Kevin K. Hill

For: A Sterically Stabilized Carrier for Aerosol  
Therapeutics, Compositions and Methods For  
Treating Diseases of the Respiratory Tract of a Mammal

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Name: *F. LINDSEY SCOTT*

Date: *F. Lindsey Scott*  
*7-15-09*

MS Board of Patent Appeals and Interferences  
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RESPONSE TO COMMUNICATION MAILED JUNE 17, 2009

In response to the Communication mailed June 17, 2009 requiring an Interview Summary  
from Applicant, Applicant's Interview Summary begins on page two of this response.

## APPLICANT'S INTERVIEW SUMMARY

Participants in this telephonic interview were Kevin K. Hill, USPTO and F. Lindsey Scott, Applicant's representative. The date of the interview was May 26, 2009. Agreement with respect to the claims was not reached.

In this interview wide-ranging discussion were held with Examiner Hill with respect to the numbering of the claims and various matters related to the arguments presented in Applicant's Brief on Appeal.

Many of these arguments, which obviously in view of the Examiner's Interview Summary are still shown as issues, related to the Examiner's insistence in renumbering Applicant's claims during prosecution. Applicant is willing to accept basically any numbering system which the Examiner will accept. There have been numerous exchanges in this Brief with respect to how the claims should be presented. To date no way has been effective to present these claims so that the Examiner would permit them to proceed for further consideration.

No indication was given by the Examiner in the Interview that any claims would be allowable.

The Examiner's discussion was directed to his annotated, corrected claims and the mootness of the non-statutory, obvious-type, double patenting issues and appears to be beyond the scope of the normal record of interview but is considered to be correct.

The Examiner's summation of the issues discusses appears to be accurate and complete and should serve to put the Examiner on notice that the Application has made this interview.

The claims, etc. shown in the Examiner's Record of Interview are apparently proposals for further amendment of the Brief. Applicant will attend to this further revision. It is also noted in a companion Office Action related to a non-compliance appeal brief, the Examiner has now made even further rejections. These rejections will be addressed in the near future.

Respectfully submitted,

  
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